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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,192	12/11/2003	James E. Dickens	BS030418	8045

7590  
Scott P. Zimmerman  
P.O. Box 3822  
Cary, NC 27519

04/09/2007

EXAMINER
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EKONG, EMEM

ART UNIT	PAPER NUMBER
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2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/09/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/733,192	DICKENS ET AL.	
	Examiner	Art Unit	
	EMEM EKONG	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 3 is objected to because of the following informalities:  
  
On line 1 of claim 3, replace "claim 2" with --claim 1-- before "wherein";  
  
Appropriate correction is required.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1,3, 5-6, and 8-15, are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,119,022 to Osborn in view of US Patent No. 6,788,673 B1 to Koskinen.

Regarding claims 1 and 8, Osborn discloses a system and method for alerting a subscriber of an outgoing call [abstract, col. 4 lines 27-30], the system comprising: a base station receiving the outgoing call [col. 4 lines 31-45, col. 4 lines 52-59, and col.7 lines 11-14, (i.e. first unit 14, or portable communication device)] and wirelessly transmitting to an accessory device [col. 2 lines 21-28, (i.e. second or accessory unit 16)]; the base station wirelessly (first unit 14) transmitting only calling line identification information to the accessory device [col. 4 lines 52-59], the called lined identification information associated with the call to a called number [col.5 lines 59-60], the accessory device consisting of a processor, memory, alerting circuitry, a wireless receiver and a display [see figure 1, accessory unit 16], the receiver wirelessly receiving the called line identification information [col. 5 lines 37-40] and the display continuously presenting a

called telephone [col. 7 lines 48-50] and a duration of the outgoing call [col. 7 lines 51-53], the processor comparing the called telephone number to selected telephone numbers stored in the memory, and when a match is found, then upon origination the processor causing the altering circuitry to alert of the outgoing call [col. 6 lines 35-44], wherein the accessory device continuously presents the called telephone number to the subscriber, thus informing the subscriber of a called party identity associated with the call (col. 5 line 59-60, and col. 7 lines 48-50), inherently, voice portion is discarded [col. 5 line 52-col.7 line 43, and col. 7 lines 38-42]. However, Osborn fails to specifically disclose voice portion is discarded.

Koskinen discloses voice portion is discarded and transmitting calling line identification information (col. 6 lines 15-62).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Osborn by transmitting only calling line identification information for identification of source of information before voice portion is allowed as disclosed by Koskinen for the purpose of call restriction.

Regarding claim 13, Osborn discloses a device (i.e. second or accessory unit 16) for alerting a subscriber of called line identification information associated with an outgoing call [col. 4 lines 31-45, col. 4 lines 52-59, col. 5 lines 37-40, and col.7 lines 11-14, (i.e. first unit 14, or portable communication device)], the device comprising: a receiver wirelessly receiving only called line identification information from a base station, a processor comparing the called telephone number to the selected telephone

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numbers stored in memory [see figure 1, accessory unit 16], and when a match is found the upon origination of the outgoing call the processor causing altering circuitry to alert of the outgoing call [col. 6 lines 35-44], and a display continuously presenting the called line identification information for a duration of the call, wherein when the called line identification information is received, the device presents the called line identification information to the subscriber, thus informing the subscriber of a called number associated with the call (col. 5 line 59-60, and col. 7 lines 48-50), inherently, voice portion is discarded [col. 5 line 52-col.7 line 43, and col. 7 lines 38-42]. However, Osborn fails to specifically disclose voice portion is discarded.

Koskinen discloses voice portion is discarded and transmitting calling line identification information (col. 6 lines 15-62).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Osborn by transmitting only calling line identification information for identification of source of information before voice portion is allowed as disclosed by Koskinen for the purpose of call restriction.

Regarding claims 3 and 15, the combination of Osborn, and Koskinen discloses wherein the alerting signal is at least one of visual, audible, and tactile (Osborn, col. 6 lines 51-60).

Regarding claim 5, the combination of Osborn, and Koskinen discloses a system according to claim 1, wherein the accessory device continuously presents an originating time for the duration of the outgoing call (Osborn, col. 7 lines 19-32).

Regarding claim 6, the combination of Osborn, and Koskinen discloses a system according to claim 1, wherein the accessory device continuously presents the calling line identification information until an on-hook condition is detected (Osborn, col. 7 lines 54-61).

Regarding claims 9-12, the combination of Osborn, and Koskinen discloses a method according to claim 8, further comprising producing an alerting signal upon receipt of the network-associated information, further comprising producing a visual alerting signal upon receipt of the network-associated information, further comprising producing an audible alerting signal upon receipt of the network-associated information, further comprising producing a tactile alerting signal upon receipt of the network-associated information (Osborn, col. 6 lines 51-60).


### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EMEM EKONG whose telephone number is 571 272 8129. The examiner can normally be reached on 8-5 Mon-Fri..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on 571 272 7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



EE  
03/29/2007



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